

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOUGHT, INC.,
Plaintiff,

v.

ORACLE CORPORATION, et al.,
Defendants.

Case No. [12-cv-05601-WHO](#)

**ORDER GRANTING MOTION FOR
CLARIFICATION**

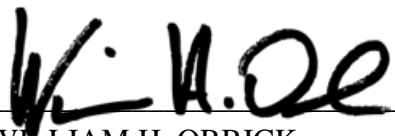
Re: Dkt. No. 54

Currently pending before the Court is Oracle's motion for clarification of the Court's October 10, 2013, Order Granting the Motion to Limit Claims. Docket No. 50. Having considered the motion and Thought's opposition thereto, the Court GRANTS Oracle's motion.

The focus of the Court's prior Order, with respect to prior art references, was resolving the parties' dispute about how references used in combination should count towards the reference limit set by the Court. As to the issue of references used to support the assertion of a prior art instrumentality, the Court adopts the language from the Federal Circuit Advisory Council's Model Order and clarifies that a prior art instrumentality (such as a system, device, method, or process) and associated references that describe that instrumentality shall count as one reference, as shall the closely related work of a single prior artist.

IT IS SO ORDERED.

Dated: November 22, 2013


WILLIAM H. ORRICK
United States District Judge